IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

Bail Appl..No. 1864 of 2007()

CRIME NO. 82 OF 2000 CHERPULASSERY POLICE STATION

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PETITIONER/ACCUSED NO.2:

HASSAN, AGED 26, S/O MOIDEEN
PUTHENPEEDIKAKKAL HOUSE,
EZHUVANTHALA POST, NELLAYA (VIA)
OTTAPPALAM TALUK

BY ADV. SRI.K.P.SUDHEER

RESPONDENTS:

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM
REPRESENTING S. I OF POLICE, CHERPULASSERY POLICE STATION

BY PUBLIC PROSECUTOR SRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21-3-2007 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No. 1864 of 2007

DATED: 21-03-2007

O R D E R

Petitioner who is the 2nd accused in Crime No. 82 of 2000 of Cherpulassery Police Station for offences punishable under Sections 341, 323, 354, 355 and 506 (1) read with Sec. 34 I.P.C., seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner in C.C. 280 of 2000 on the file of J.F.C.M., Ottappalam, the case against him was split up and re-filed as S.T. 5800/03. His case has been transferred to the Long Pending Case Register as L.P. 171/2004.

3. Admittedly non-bailable warrants of arrest are pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. But at the same time, if the co-accused in the case has been acquitted after trial as contended by the petitioner, he can be granted an opportunity to raise his contentions before the J.F.C.M., Ottappalam. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail within two weeks from today, the same shall be considered and disposed of preferably on the same date on which it is filed after examining the explanation offered by the petitioner for his previous non-appearance and after considering his contention that the co-accused in the case has been acquitted after trial. Until such disposal, the warrants against the petitioner shall not be executed.

With the above observation this application is disposed of.

V.RAMKUMAR, JUDGE.

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